

NOTICE OF ADMINISTRATIVE LAW JUDGES' RULING

TO ALL PARTIES OF INTEREST:

Notice is hereby given by the Administrative Law Judges of the instructions set out by the Illinois Commerce Commission ("Commission"), with respect to Oral Argument for this proceeding that is scheduled for Friday, August 22, 2008, at 1:00 p.m. at the Chicago offices of the Commission. In addition to the requirements contained in 200.850(c) of the Administrative Rules, the Commission herein sets the following additional guidelines:

1. A total of 160 minutes is allocated for Oral Argument. Only attorneys may present arguments; however, technical advisers may assist counsel in response to Commissioner questions.
2. Parties intending to present Oral Arguments must notify Louis Harris via e-mail (lharris@icc.illinois.gov) with a list of attorneys presenting on the matters for Oral Argument by 5:00 p.m. on Tuesday, August 19, 2008.
3. The parties shall provide both the ALJs and the Commission with exhibits, if any, that will be used for oral argument by 1:00 p.m. on Wednesday, August 20, 2008, standard sizes only. Any party may use enlarged exhibits during Oral Argument that have been provided in accordance with the aforementioned rule. Any material or visual aids that do not comply with this directive shall be barred from use during Oral Argument.
4. If an attorney is in need of an accommodation for any visual aid, counsel must inform the ALJs by 1:00 p.m. on Wednesday, August 20, 2008, as to the specifics of the accommodation needed.
5. The order for the presentation of oral arguments is as follows:

Commonwealth Edison Company, the party with the burden of proof, shall be first to present its arguments on each of the issues. Commonwealth Edison shall have an allotted time for each issue, which it may divide between initial and rebuttal argument.

Commission Staff will then present arguments.

The other parties shall collectively have an allotted time. A party may reallocate unused time to another party or to another issue listed for oral argument.

6. The scope of Oral Argument is as follows: (1) cost of service allocation issues, (2) accumulated provisions for depreciation and amortization and accumulated deferred income taxes (ADIT), (3) Rider SMP, and (4) underground cable and services.

The following sets out the expected Oral Argument participants for each issue, and includes the order for their presentation. (If an interested party is not included in this listing, please notify Mr. Harris.)

- 1. Cost of service allocation issues (Section VIII)** – validity of the ECOS, cost allocation, rate impacts, and other issues (70 minutes).
 - a. Commonwealth Edison Company (20 minutes).
 - b. Staff of the Illinois Commerce Commission (10 minutes).
 - c. The Illinois Attorney General (“AG”), Illinois Industrial Energy Consumers (“IIEC”), Request Equitable Treatment of Costs Together (“REACT”), United States Department of Energy (“DOE”), City of Chicago (“City”), the Commercial Group (“CG”), Retail Energy Supply Association (“RESA”), Building Operators and Managers Association of Chicago (“BOMA”), Chicago Transit Authority (“CTA”), Metra, Nucor Steel Kankakee. Inc. (“Nucor”), the Kroger Company (“Kroger”), Constellation NewEnergy, Inc. (“CNE”), the American Association of Retired Persons (“AARP”), Citizens Utility Board (“CUB”) (40 minutes).
- 2. Accumulated provisions for depreciation and amortization and accumulated deferred income taxes (ADIT) (Sections IV.C.1.a.2.a and IV.C.1.a.2.b)** – the appropriate treatment of depreciation and ADIT in the context of the proposed pro-forma capital additions to post test-year ratebase (30 minutes).
 - a. Commonwealth Edison Company (10 minutes).
 - b. Staff of the Illinois Commerce Commission (5 minutes).
 - c. IIEC, CG, AG, CUB (15 minutes).
- 3. Rider SMP (Section VII.B)** – The issues raised by the rider and the smart grid. (50 minutes)
 - a. Commonwealth Edison Company (15 minutes).
 - b. Staff of the Illinois Commerce Commission (10 minutes).
 - c. AG, BOMA, IIEC, REACT, CG, CTA, Metra, Nucor, Kroger, CNE, AARP, CUB (25 minutes).
- 4. Underground cable and services (Section IV.C.1.b)** – the issues raised by the proposed disallowance of these costs. (10 minutes)
 - a. Commonwealth Edison Company (5 minutes)
 - b. Staff of the Illinois Commerce Commission (5 minutes)
7. Irrespective of the issues listed above, the parties should be prepared to answer any question regarding the record or the pertinent law.